

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FILED
U.S. DISTRICT COURT
2011 JAN 18 PM 2
S.D. OF N.Y.

WAJDY NASSER,

Plaintiff,

-against-

GC SERVICES, LP,

Defendant.

**VERIFIED COMPLAINT and DEMAND
FOR JURY TRIAL**

**'11 CIV 00338
JUDGE MOTZ**

NOW COMES Plaintiff, Wajdy Nasser ("Plaintiff"), by and through his attorneys, Krohn & Moss, Ltd., for his Verified Complaint against Defendant, GC Services, LP, ("Defendant"), alleges as follows:

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

Parties

2. Plaintiff is a natural person residing in Walden, Orange County, New York.
3. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).
4. Defendant is a collection agency with a business office in Houston, Texas.
5. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

Jurisdiction and Venue

7. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

8. Because Defendant conducts business in the state of New York, personal jurisdiction is established.

9. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

Factual Allegations

10. Defendant is attempting to collect a consumer debt from Plaintiff.

11. Plaintiff’s alleged debt arises from transactions for personal, family, and household purposes.

12. Within the last year, Defendant left multiple voicemail messages for Plaintiff that did not meaningfully disclose the caller’s identity (Defendant’s transcribed voicemail messages are attached as Exhibit A).

13. Within the last year, Defendant left multiple voicemail messages for Plaintiff that failed to state the communication was from a debt collector (Defendant’s transcribed voicemail messages are attached as Exhibit A).

CLAIM FOR RELIEF

14. Defendant’s violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which was to harass, oppress, or abuse Plaintiff;
 - a. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of the caller's identity;
 - b. Defendant violated §1692e of the FDCPA by using false, deceptive, or misleading representations or means in connection with the collection of a debt;
 - a. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt;
 - b. Defendant violated §1692e(11) of the FDCPA by failing to disclose in subsequent communications that the communication was from a debt collector.
15. Plaintiff is entitled to his attorney's fees and costs incurred in this action.

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

- (1) Statutory damages of \$1,000.00, pursuant to 15 U.S.C. § 1692k;
- (2) Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
- (3) Awarding such other and further relief as may be just, proper and equitable.

Dated: ~~November 30, 2010~~

January 10, 2011

KROHN & MOSS, LTD.

By: 

Adam T. Hill

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Attorneys for Plaintiff

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, Wajdy Nasser, hereby demands a jury trial in this matter.

VERIFICATION

STATE OF NEW YORK)

COUNTY OF ORANGE)

Plaintiff, WAJDY NASSER, states as follows:

1. I am the Plaintiff in this civil proceeding;
2. I have read the foregoing Verified Complaint prepared by my attorneys and I believe that all of the facts contained therein are true and correct, to the best of my knowledge, and formed after reasonable inquiry;
3. I believe that this civil Complaint is well ground in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law;
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it;
6. Each and every exhibit I have provided to my attorneys, which has/have been attached to this Complaint, is/are true and correct copy(s) of the original(s); and
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated the exhibit(s), except that some of the attached may contain some of my own handwritten notations

Pursuant to 28 U.S.C. § 1746(2), I, WAJDY NASSER, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct

Dated: 12/28/2010

Wajdy Nasser
WAJDY NASSER

EXHIBIT A

This message is for Wajdy Nasser. I need you to return my call. My name is Joy. This is regarding a personal business matter. My number is 1-800-846-1850. My extension is 6116. I am in the office until noon today Central Standard Time. Again this message is for Wajdy Nasser. It is very important that I do hear from you regarding a personal business matter. It is time sensitive and requires your immediate attention. My number again is 1-800-846-1850, extension 6116, and my name is Joy.

This message is for Wajdy Nasser. My name is Joy and I am calling regarding a personal business matter. Please return my call and I have left messages before. This is time sensitive. My number is 1-800-846-1850, extension 6116. I will be in the office until 5 today and 8-5 tomorrow Central Standard Time. Again Mr. Nasser, my name is Joy and this is regarding a personal business matter. It is time sensitive and it is important that you do return my call at 1-800-846-1850, extension 6116, and my name is Joy.

This message is for Wajdy Nasser. My name is Joy and I am calling regarding a personal business matter. Please return my call when you get this message. It is important. My number is 1-800-846-1850, extension 6116. I am in the office until 5 today Central Standard Time and 8 to 5 tomorrow. Again it is important that you please return my call at 1-800-846-1850, extension 6116. Again this is a very important personal business matter. Thank you.

This message is for Wajdy Nasser. My name is Joy and I am calling regarding a very important personal business message. I have left you several messages. This is time sensitive and does need your immediate attention. Please return my call I am in the office until 8 o'clock tonight Central Standard Time. My phone number is 1-800-846-1850. My extension is 5210097. Again, my name is Joy. This is in reference to a very important personal business matter. My number is 1-800-846-1850. My extension is 5210097. I would love to hear from you today. Thank you.